

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSH AUXIER and COLEEN AUXIER,

Plaintiffs,

v.

SUTTELL & HAMMER, P.S.;
FREDERICK J. HANNA &
ASSOCIATES, P.C.; NORTHSTAR
LOCATION SERVICES, LLC; and FIA
CARD SERVICES, N.A a/k/a BANK OF
AMERICA,

Defendants.

CASE NO. C12-288MJP

ORDER GRANTING DEFENDANT
SUTTELL & HAMMER, P.S.'S
MOTION FOR SUMMARY
JUDGMENT

This matter comes before the Court on the motion for summary judgment filed by Defendant Suttell & Hammer, P.S. ("Suttell"). (Dkt. No. 36.) Having reviewed the motion and the remaining record, and noting Plaintiffs' failure to file any opposition, the Court GRANTS the motion.

Suttell's motion asserts that it did not violate the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et. seq., because it properly validated the Auxiers' debt. (Dkt. No. 36 at 3.) The

1 motion also asserts that Suttell did not violate Washington's Consumer Protection Act, RCW
2 19.86, because there is no evidence Suttell acted unfairly or deceptively, nor is there any proof of
3 the other elements of a CPA claim. (Id. at 4.)

4 Suttell's motion for summary judgment was filed on November 26, 2012. (Dkt. No 36.)
5 Pursuant to LCR 7(d)(3), Plaintiffs' opposition brief was due on December 17, 2012. However,
6 Plaintiffs have filed no papers opposing Defendant's motion. LCR 7(b)(2) explains that a party's
7 failure to file papers in opposition to a motion may be considered an admission that the motion
8 has merit. Therefore, pursuant to LCR 7(b)(2), the Court deems Plaintiffs to have admitted that
9 the motion has merit, and the Court GRANTS Defendant Suttell's motion. Plaintiffs' claims
10 against Defendant Suttell are hereby DISMISSED with prejudice.

11 The clerk is ordered to provide copies of this order to Plaintiff and to all counsel.

12 Dated this 30th day of January, 2013.

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15 Marsha J. Pechman
16 United States District Judge
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